

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Sec. 2. 32 MRSA §552, last ¶, as amended by PL 1983, c. 378, §5, is further amended to read:

Any person, licensed by a chiropractic board of any other state or territory having a standard equal to that of the State, shall be licensed without examination, upon the payment of \$40 up to \$100 and the production to the board of his diploma and the license obtained in such other state. The board may, in its discretion, require an examination of any such applicant.

Sec. 3. 32 MRSA §553, as amended by PL 1983, c. 812, §199, is further amended to read:

§553. Fees; compensation and expenses

Any person to whom a certificate has been granted under section 552 who wishes to renew that certificate shall, on or before the first day of June of each year, pay to the secretary of the board a license renewal fee not in excess of \$50 \$100 as established by the board. Upon payment of the fee that person's certificate shall be renewed for one year. In addition to the payment of such renewal fee, each licensee so applying for his renewal certificate shall furnish to the board satisfactory evidence that he has attended one of 2 educational programs conducted and supervised by the board in the year preceding. If such fee is not paid within 3 months after the date of notification by the secretary that such fee is due, the certificate of the chiropractor so failing to pay such fee shall be revoked and shall be thereafter renewed by a majority vote of the board and upon the payment of a fee of \$10 to the secretary of said board. All fees received by the secretary and not returned to the applicant shall be paid forthwith to the Treasurer of State. The compensation of members of the board shall be in accordance with the provisions of Title 5, chapter 379. The secretary shall be reimbursed for all expenditures for books, stationery, postage and other necessary expenses authorized by the board and actually incurred in the discharge of his duties. Said compensation and all other necessary and proper expenses of said board shall be certified by the chairman and secretary and shall be paid out of the fund held by the Treasurer of State, and any balance of said fund shall not lapse but shall be carried forward to be expended for the same purposes in the following fiscal years.

Sec. 4. Allocation. The following funds are allocated from other special revenue funds to carry out the purposes of this Act.

1987-88 1988-89

PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF

Board of Chiropractic Examination and Registration

All Other	\$13,500	\$19,300
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Effective September 29, 1987.

CHAPTER 75

H.P. 861 — L.D. 1154

AN ACT to Require the Marking of Barriers on Certain Public Ways.

Be it enacted by the People of the State of Maine as follows:

23 MRSA c. 305, sub-c. VI is enacted to read:

SUBCHAPTER VI

BARRIERS

§3271. Definitions

As used in this subchapter, unless the context indicates otherwise, the following words have the following meanings.

1. Barrier. "Barrier" means any wire, cable, cable wire, chain link, lumber, gate or other similar device placed or erected across a town way for the purpose of barring access to that way.

2. Town way. "Town way" means an area or strip of land designated and held by a municipality for passage by motor vehicles.

§3272. Marked barriers

The municipal officers of any municipality that erects or places a barrier across a town way shall cause the barrier to be marked in a manner that causes the barrier to be visible to a person traveling on the town way towards the barrier on a snowmobile, all-terrain vehicle, motorcycle or similar vehicle. The officers shall cause the barrier to be marked in a manner making the barrier visible at a distance that is a reasonable stopping distance. A barrier may be marked by flags, fluorescent coloring, signs or in any other manner making the barrier visible as required in this section.

The municipal officers shall cause barriers marked under this section to be inspected periodically to ensure that the marking remains.

§3273. Penalty

Any person who violates section 3272 commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged.

Effective September 29, 1987.

CHAPTER 76

H.P. 175 — L.D. 219

AN ACT Relating to Major Policy-influencing Positions in State Government.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §931, sub-§2, ¶¶A and B, as enacted by PL 1985, c. 785, Pt. A, §45, are repealed.

Sec. 2. Application. The protection provided to applicable state employees under the Maine Revised Statutes, Title 5, section 931, subsection 2, paragraphs A and B, shall remain with only those employees whose positions become major policy-influencing positions between July 1, 1986, and the effective date of this Act. For those state employees in the Department of Environmental Protection whose positions became major policy-influencing positions pursuant to Public Law 1985, chapter 746, the provisions of Public Law 1985, chapter 746, section 36 apply.

Effective September 29, 1987.

CHAPTER 77

H.P. 304 — L.D. 390

AN ACT to Clarify Enforcement of Insurance Coverage Requirements of the Workers' Compensation Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, application of the Workers' Compensation Act has been mandatory for most employers since 1974; and

Whereas, records of insurance coverage of employers maintained by the commission suggest that a significant number of mandatory participant employers are not party to a currently effective workers' compensation insurance policy or have allowed gaps in coverage to occur in the past; and

Whereas, many industrially-injured employees whose employers fail to maintain a policy are left without any recourse for their work-related injuries; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §1047, as amended by PL 1979, c.

651, §§8, 47, is further amended to read:

§1047. Information privileged

All information transmitted to the bureau, the commission or its duly authorized representatives pursuant to this chapter shall be absolutely privileged and shall not be made the subject matter or basis in any action of slander or libel in any court in this State. The privileged nature of any such information shall not limit or affect the use of that information in any prosecution or action to enforce Title 39, section 104-A.

Sec. 2. 26 MRSA §1082, sub-§13-A is enacted to read:

13-A. Certificate of records of payroll reports as evidence. Notwithstanding any other provision of law or rule of evidence, for purposes of any prosecution or action to enforce Title 39, section 104-A, a certificate signed by the Director of Unemployment Compensation or a representative of the commissioner duly authorized by the commissioner stating what the payroll report records show shall be received in any court in this State as prima facie evidence of any fact stated in the certificate or the records attached to the certificate.

Sec. 3. 39 MRSA §21-A, sub-§3 is enacted to read:

3. Failure to conform. The failure of any private employer not exempt under subsection 1 or of any governmental body, as defined in subsection 2, to procure insurance coverage for the payment of compensation pursuant to sections 22 to 27 shall constitute failure to secure payment of compensation provided for by this Act within the meaning of section 104-A, subsection 2, and shall subject the employer to the penalties prescribed by that section. For purposes of this subsection, the term "insurance coverage" includes authorization by the Superintendent of Insurance to self-insure.

Sec. 4. 39 MRSA §23, first ¶, as amended by PL 1973, c. 746, §6, is further amended to read:

Every employer subject to this Act shall secure such compensation and other benefits to his employees in one or more of the following ways: ways described in this section. The failure of any employer subject to this Act to procure insurance coverage for the payment of compensation and other benefits to his employees in some one of the ways described in this section shall constitute failure to secure payment of compensation provided for by this Act within the meaning of section 104-A, subsection 2, and shall subject the employer to the penalties prescribed by that section.

Sec. 5. 39 MRSA §104-A, sub-§2, as amended by PL 1983, c. 479, §28, is repealed and the following enacted in its place:

2. Failure. Except as otherwise provided by section 51-B, subsection 9, in the event of failure by the employer